

DOCKET NO.: CM01581L

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Motorola, Inc.  
 Intellectual Property Section  
 Law Department  
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 Libertyville, IL 60048

Telephone: (847) 523-2327  
 Facsimile: (847) 523-2350

6

Number of Pages (including this page)

Date: 07/07/2005  
 To: Commissioner for Patents  
 Location: United States Patent and Trademark Office  
 Fax No.: (703) 872-9306  
 From: Randall S. Vaas Registration No. 34,479  
 Subject: Serial No. 10/665,024 Docket No. CM01581L

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**MESSAGE:**

Enclosed herewith, please find:

- Information Disclosure Statement
- PTO Form SB/08
- Transmittal Form
- Fee Transmittal Form
- PCT Search Report

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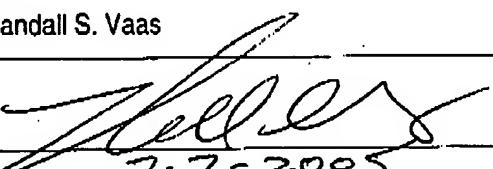
EXAMINER:	Afshar, K.
GROUP ART UNIT:	2681
SERIAL NO.:	10/665,024
FILED:	09/17/2003
INVENTOR:	McKee, James S. et al.

DOCKET NO.: CM01581L

<b>TRANSMITTAL FORM</b>		Application Number	10/665,024
		Filing Date	09/17/2003
		First Named Inventor	McKee, James S. et al.
		Group Art Unit	2681
		Examiner Name	Afshar, K.
Total Number of Pages in this Submission	4	Attorney Docket Number	CM01581L

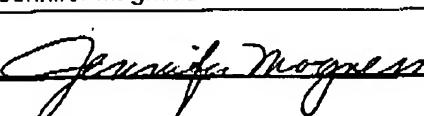
<b>ENCLOSURES</b> <span style="float: right;">(check all that apply)</span>			
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-Related papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CDs	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter with appropriate copies <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below) <input checked="" type="checkbox"/> PTO/SB/08A <input type="checkbox"/> PCT Search Report	
Remarks			

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual	Randall S. Vaas	Registration No.	34,479
Signature			
Date	7-7-2005		

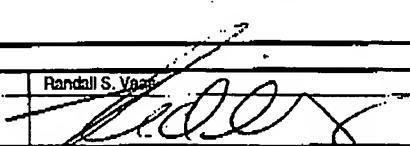
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Typed or printed name	Jennifer Magness		
Signature		Date	07/07/05

TO: USPTO JUL 07 2005 P.3/6

DOCKET NO.: CM01581L

<b>FEE TRANSMITTAL</b> <small>Patent fees are subject to annual revision</small>					<i>Complete if Known</i>																																																																																																																																																									
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<b>METHOD OF PAYMENT (check all that apply)</b>					<b>FEE CALCULATION (continued)</b>																																																																																																																																																									
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<input checked="" type="checkbox"/> Deposit Account:  Deposit Account Number <b>502117</b> Deposit Account Name <b>Motorola, Inc.</b>					<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>Large Entity</th> <th>Small Entity</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>1051</td> <td>130</td> <td>2051</td> <td>65</td> <td>Surcharge - late filing fee or oath</td> </tr> <tr> <td>1052</td> <td>50</td> <td>2052</td> <td>25</td> <td>Surcharge - late Provisional filing</td> </tr> <tr> <td>1053</td> <td>130</td> <td>1053</td> <td>130</td> <td>Non-English specification</td> </tr> <tr> <td>1812</td> <td>2520</td> <td>1812</td> <td>2520</td> <td>For filing a request for ex parte Reexamination</td> </tr> <tr> <td>1804</td> <td>820*</td> <td>1804</td> <td>920*</td> <td>Requesting publication of SIR prior to Examiner action</td> </tr> <tr> <td>1805</td> <td>1840*</td> <td>1805</td> <td>1840*</td> <td>Requesting publication of SIR after Examiner action</td> </tr> <tr> <td>1251</td> <td>120</td> <td>2251</td> <td>60</td> <td>Extension for reply within first month</td> </tr> <tr> <td>1252</td> <td>450</td> <td>2252</td> <td>225</td> <td>Extension for reply within second month</td> </tr> <tr> <td>1253</td> <td>1020</td> <td>2253</td> <td>510</td> <td>Extension for reply within third month</td> </tr> <tr> <td>1254</td> <td>1590</td> <td>2254</td> <td>795</td> <td>Extension for reply within fourth month</td> </tr> <tr> <td>1255</td> <td>2160</td> <td>2255</td> <td>1080</td> <td>Extension for reply within fifth month</td> </tr> <tr> <td>1401</td> <td>500</td> <td>2401</td> <td>250</td> <td>Notice of Appeal</td> </tr> <tr> <td>1402</td> <td>500</td> <td>2402</td> <td>250</td> <td>Filing a brief in support of an appeal</td> </tr> <tr> <td>1403</td> <td>1000</td> <td>2403</td> <td>500</td> <td>Request for oral hearing</td> </tr> <tr> <td>1451</td> <td>1510</td> <td>1451</td> <td>1510</td> <td>Petition to institute a public use proceeding</td> </tr> <tr> <td>1452</td> <td>500</td> <td>2452</td> <td>250</td> <td>Petition to revive - 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late filing fee or oath	1052	50	2052	25	Surcharge - late Provisional filing	1053	130	1053	130	Non-English specification	1812	2520	1812	2520	For filing a request for ex parte Reexamination	1804	820*	1804	920*	Requesting publication of SIR prior to Examiner action	1805	1840*	1805	1840*	Requesting publication of SIR after Examiner action	1251	120	2251	60	Extension for reply within first month	1252	450	2252	225	Extension for reply within second month	1253	1020	2253	510	Extension for reply within third month	1254	1590	2254	795	Extension for reply within fourth month	1255	2160	2255	1080	Extension for reply within fifth month	1401	500	2401	250	Notice of Appeal	1402	500	2402	250	Filing a brief in support of an appeal	1403	1000	2403	500	Request for oral hearing	1451	1510	1451	1510	Petition to institute a public use proceeding	1452	500	2452	250	Petition to revive - unavoidable	1453	1500	2453	750	Petition to revive - unintentional	1501	1400	2501	700	Utility issue fee (or reissue)	1502	800	2502	400	Design issue fee	1503	1100	2503	550	Plant issue fee	1460	130	1460	130	Petitions to the Commissioner	1807	50	1807	50	Processing fee under 37 CFR 1.17(c)	1808	180	1808	180	Submission of IDS	8021	40	8021	40	Recording each patent assignment per property (times number of properties)	1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.128(a))	1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.128(b))	1801	790	2801	395	Request for Continued Examination	1802	900	1802	900	Request for expedited examination of a design application					<b>Fee Paid (\$)</b>	<b>\$180.00</b>
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<b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>					<b>SEARCH FEES</b>																																																																																																																																																									
<b>Application Type</b>	<b>FILING FEES</b>		<b>SEARCH FEES</b>		<b>EXAMINATION FEES</b>																																																																																																																																																									
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<b>2. EXTRA CLAIM FEES</b>																																																																																																																																																														
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<b>3. APPLICATION SIZE FEE</b>																																																																																																																																																														
If the specification and drawings exceed 100 sheets of paper, the application size fee is \$250 (\$125 for small entity) For each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(e)(1)(G) and 37 CFR 1.18(e).																																																																																																																																																														
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Name (Print/Type)	Randall S. Voss 																																																																																																																																																													
Signature	Registration No. <b>34,479</b> Telephone <b>847-523-2327</b> Date <b>7-7-2005</b>																																																																																																																																																													
<b>5. OTHER FEE(S) (specify)</b> Non-English Specification, \$130 fee (no small entity discount)																																																																																																																																																														

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: McKee, James S. et al. Group Art Unit: 2681  
 Application No.: 10/665,024 Examiner: Afshar, K.  
 Date Filed: 09/17/2003  
 Title: Method and Apparatus of Muting an Alert Background of the Invention

## INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner For Patents  
 Alexandria, VA 22313

SIR:

In accordance with 37 C.F.R. §1.56 and in compliance with 37 C.F.R. §§1.97 and 1.98, the references listed on attached Form PTO/SB/08 and/or subsequently identified herein, are for consideration by the United States Patent and Trademark Office. Pursuant to the Office waiving the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC §371 after June 30, 2003, copies of the reference are not submitted herewith.

I.  THIS IDS IS BEING FILED UNDER 37 C.F.R. §1.97(b)-(d): (check only one box)

- a.  within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d); within three months of the date of entry of the national stage as set forth in § 1.491 in an international application; before the mailing date of a first Office Action on the merits; and/or before the mailing date of a first Office Action after the filing of a request for continued examination under § 1.114. No fee or statement is required.
- b.  before the mailing date of any of a Final Office Action under 37 C.F.R. §1.113, a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in the application. Petition fee set forth in §1.17(p) is required unless a statement under 37 C.F.R. §1.97(e) is provided.
- c.  on or before payment of the issue fee. Petition fee set forth in §1.17(p) and a statement under 37 C.F.R. §1.97(e) are required.

II.  STATEMENT UNDER 37 C.F.R. §1.97(e) (check only one box, if applicable)

The undersigned hereby states that

- a.  each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of IDS; or
- b.  no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and to knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the IDS was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement, or
- c.  some of the items of information contained in the IDS were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the IDS was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement.

07/11/2005 YPOLITE1 00000007 502117 10665024

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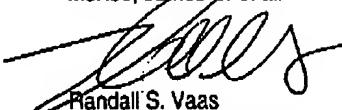
DOCKET NO.: CM01581L

**III. PAYMENT OF FEES**

- A check in the amount of \_\_\_\_\_ is enclosed for the above-identified fee(s).
- Please charge Deposit Account 502117 in the amount of \$180.00 for the above-indicated fee(s).
- If Applicant has overlooked any additional fees, or if any overpayment has been made, the Commissioner is hereby authorized to credit or debit Deposit Account 502117.
- Two Copies of this paper are attached for Deposit Account charges and debits.

The above references are being cited only in the interests of candor and without any admission that they constitute statutory prior art or contain matter which anticipates the invention or which would render the same obvious, either singly or in a combination, to a person of ordinary skill in the art.

Respectfully submitted,  
McKee, James S. et al.



7-7-2005

Randall S. Vaas  
Attorney for Applicant(s)  
Reg. No. 34,479  
Tel. 847-523-2327

MOTOROLA, INC.  
Customer Number 20280

- Enclosures:  Information Disclosure Statement by Applicant  
 References  
 Foreign Search Report  
 Other:

**DOCKET NO.: CM01581L**

PTO/SB/08A (04-03)

Substitute for form 1449A/PTO				<i>Complete if Known</i>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				Application Number	10/665,024
(use as many sheets as necessary)				Filing Date	09/17/2003
				First Named Inventor	McKee, James S. et al.
				Group Art Unit	2681
				Examiner Name	Altshar, K.
				Attorney Docket Number	CM01581L
Sheet	1	of	1		

**U. S. PATENT DOCUMENTS**

## **FOREIGN PATENT DOCUMENTS**

**Examiner** \_\_\_\_\_ **Date** \_\_\_\_\_  
\_\_\_\_\_  
**Concordant**

**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation, if not in conformance and not considered. Include copy of this form with  
any correspondence.

<sup>3</sup> See Kinds of U.S. Patent Documents. <sup>4</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST-S). <sup>5</sup> For Japanese patent documents, the indication of the reign of the Emperor must precede the serial number of the patent document. <sup>6</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST-16 if possible. <sup>7</sup> Applicant is to place a check mark here if English Language Translation is attached.